

Docket 59744
Serial No. 10/689,943

PATENT APPLICATION

REMARKS

This is in full and timely response to the initial Office Action on the merits dated November 30, 2004. Reconsideration and reexamination are respectfully requested in view of
5 the foregoing amendments and the following remarks.

By the foregoing amendment, claims 2, 4, 5, and 17 – 19 have been canceled, claims 1, 7, 10, 11, 12 have been amended, and claims 21 and 22 have been newly added with claims 1, 12, and 22 being independent.

10 IN THE CLAIMS:

35 U.S.C. § 102(b) Rejections:

Claims 1 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,748,766 to Stimac. Without admitting the propriety of these rejections, claim 1 has
15 been amended to include the limitations previously found in claims 2, 4 and 5 and claims 2, 4 and 5 have been canceled. With this amendment, claim 1 now recites a combination of elements, including all of the limitations of claim 1 as originally filed as well as a plurality of spaced apart trip board grooves along with a magnet and metallic element combination, a ramp that is pivotal so as to selectively provide access to the container means, and a means for locking
20 the ramp at a closed configuration. Therefore, the applicant strongly believes that claim 1 should now be in condition for allowance as the combination of recited elements is not shown, taught, or

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suggested by the prior art and such is respectfully requested. Further, the applicant asserts that the combination of references sufficient to maintain the initial rejection after the present amendment would be an improper combination.

5 35 U.S.C. § 103(a) Rejections:

Claims 2-8 and 10-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of Snow (3,791,065), Myers (3,936,972), Stimac (4,748,766), Yost (4,984,382), Kazzyk (5,410,837), Vine (5,471,781), Knuppel (6,691,452), and Bozovic (WO Pat. No. 02/11535). Without admitting the propriety of any of these rejections, several claims have
10 been amended so as to be in even better condition for allowance as will be described in detail below.

Although claim 7 should now be in condition for allowance because it depends from amended claim 1, claim 7 has been further amended to distinguish over Stimac in view of Kazzyk which the examiner cited in support of this rejection. More particularly, the examiner
15 stated that Kazzyk shows a plurality of probes having sharp tips and that are movable between the recited first and second configurations so as to discourage a rodent from reversing course. Without admitting the propriety of this rejection, claim 7 has been further amended to even more clearly distinguish over the combination of Stimac and Kazzyk. More particularly, claim 7 now recites that each of the plurality of probes includes a generally arcuate configuration and the
20 sharp tips are slightly displaced from the trip board even at the first (closed) configuration so as to entice the rodent to urge the trip board toward the second configuration. This unique

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configuration recited in claim 7 which operates to entice a rodent is not shown, taught, or suggested by Kazzyk or any other prior art reference, whether considered singly or in combination. This is important as the sharp tips are ineffective until the rodent is enticed to move forward through them and proceed beyond a "point of no return." The applicant urges the
5 examiner to reconsider this rejection and appreciate that this feature is clearly a novel and non-obvious improvement over the prior art. Finally, the recitation of this still additional limitation would make an even further combination of references appear improper. For these additional reasons, claim 7 should now be in condition for allowance and such is respectfully requested.

Similar to the rejection addressed above, Kazzyk has been combined with Stimac in
10 rejecting claim 12. Specifically, the examiner states that Kazzyk discloses a plurality of probes pivotally mounted in an interior space and being movable between first and second configurations and each probe includes a sharp tip for discouraging a rodent from reversing course. As discussed above, however, the probes taught and recited in the present application are specifically designed to entice a rodent to advance in a forward direction and to urge the trip
15 board upwardly until the rodent is past a "point of no return" so to speak. Without admitting the propriety of this rejection, claim 12 has been amended to recite that the probes of the present invention each include a generally arcuate configuration and the tips are slightly displaced upwardly from the trip board even at the first (closed) configuration, whereby to entice forward movement of the rodent. This is a non-obvious limitation not disclosed, taught, or suggested by
20 Kazzyk whether considered singly or in combination with other references.

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Claim 12 has been further amended to recite a stop member and corresponding claims 18 and 19 have been canceled. It should be appreciated that this stop member (64) extends through front and back walls of the housing and is not actually attached to the trip board. Further, the stop member (64) is important to prevent the probes (which are spring biased) from rotating too far toward the housing opening (26), as described in greater detail on page 9, lines 9-12 of the original specification. By contrast, the element (38) in Kazyk identified by the examiner provides no similar function and appears to be attached to or integral with the trip board.. The trip board in Kazyk has no potential to rotate toward a housing opening in that its end (opposite end 38) is in contact with the bottom of the tunnel (Kazyk, col. 6, line 20). As discussed above and according to the amendment of claims 7 and 12, the probes in the present invention do not contact the surface of the trip board – making a stop member (64) a distinguishing limitation. For these additional reasons, claim 12 should now be in condition for allowance and such is respectfully requested along with the claims that depend therefrom.

Claim 21 has been newly added to depend from claim 7. Claim 21 further limits the scope of claim 7 which was amended and discussed earlier in this response.

Claim 22 has also been newly added so as to more perfectly recite the invention in a manner and scope that is neither anticipated nor obvious in view of any proper combination of prior art references. More particularly, claim 22 includes all of the limitations previously discussed above relative at least to claims 1, 2, 4, 11, and 20. Since there is no teaching or suggestion to have combined all of the elements from Stimac, Snow, Yost, Kazyk, Myers, and

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Bozovic, so as to arrive at the recited invention, claim 22 should be allowable and ~~such~~ is respectfully requested.

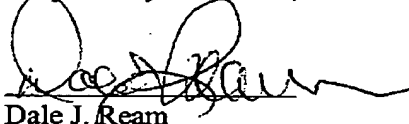
Conclusion:

5 This application should now be in condition for allowance and such is respectfully requested. If the examiner has any suggestions that would place this application in even better condition for allowance, he is invited to contact the applicant's representative at the telephone number listed below.

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Respectfully Submitted,



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